

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT LEE CHILDRESS, JR.,

Plaintiff,

v.

MICHAEL MICHALKE, et al.,

Defendants.

CIVIL ACTION NO. 10-11008

DISTRICT JUDGE MARK A. GOLDSMITH

MAGISTRATE JUDGE MARK A. RANDON

**ORDER DENYING PLAINTIFF'S MOTION**  
**FOR APPOINTMENT OF COUNSEL WITHOUT PREJUDICE**

The plaintiff, who is proceeding *pro se*, has filed a motion for appointment of counsel. "[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right." *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6<sup>th</sup> Cir. 1987)(quoting *United States v. Madden*, 352 F.2d 792, 793 (9<sup>th</sup> Cir. 1965)); see also *Hoggard v. Purkett*, 29 F.3d 469, 471 (8<sup>th</sup> cir. 1994) ("In exercising its discretion, the district court should consider the legal complexity of the case, the factual complexity of the case, and the [plaintiff's] ability to investigate and present his claims, along with any other relevant factors.")

In this case, the interests of justice do not require appointment of counsel at this time. Accordingly, it is **ORDERED** that the plaintiff's motion for appointment of counsel is **DENIED WITHOUT PREJUDICE**.

s/Mark A. Randon

MARK A. RANDON

UNITED STATES MAGISTRATE JUDGE

Dated: September 13, 2012

Certificate of Service

*I hereby certify that a copy of the foregoing document was served on the parties of record on this date, September 13, 2012, electronically.*

s/Melody R. Miles  
Case Manager to Magistrate Judge Mark A. Randon